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COMPREHENSIVE REVIEW OF THE WHOLE
QUESTION OF PEACE-KEEPING
OPERATIONS IN ALL THEIR ASPECTS

SECURITY COUNCIL
Forty-eighth year

Security of United Nations operations

Report of the Secretary-General

I. INTRODUCTION

1. On 31 March 1993, the President of the Security Council made a statement on behalf of the Council (S/25493) in the context of its examination of my report "An Agenda for Peace" (A/47/277-S/24111). In that statement the Council addressed the question of the safety of United Nations forces and personnel deployed in conditions of strife in connection with a Security Council mandate. The Council also requested me to report as soon as possible on the existing arrangements for the protection of United Nations forces and personnel and their adequacy, taking into account, inter alia, relevant multilateral instruments and status-of-forces agreements concluded between the United Nations and host countries, as well as comments from Member States, and to make such recommendations as I considered appropriate for enhancing the safety and security of United Nations forces and personnel. The present report is submitted in response to that request by the Council.

2. At its forty-seventh session, the General Assembly adopted resolution 47/72 of 14 December 1992, which deals with the protection of peace-keeping personnel. The present report is therefore being circulated to the General Assembly for information. I would also draw the attention of Member States to General Assembly resolution 47/120 of 18 December 1992, which notes the mutually supportive aspects of humanitarian and peace-keeping operations and calls for strengthened capacity and coordination in that respect. Finally, the recent report of the Special Committee on Peace-keeping Operations (A/48/173) contains pertinent recommendations with regard to security.

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* A/48/150 and Corr.1.

3. As is the case with other activities carried out by organizations of the United Nations system, United Nations forces and other operations mandated by the Security Council are normally deployed only with the consent of the host Government and, as appropriate, with undertakings of cooperation by other parties. While United Nations military forces have means of protection and are authorized to use their weapons in self-defence, they often include sizeable civilian components or operate side by side with civilian United Nations personnel who are unarmed, as are United Nations military observers. In short, many categories of United Nations personnel are at risk. It is thus not practical nor desirable to make a categorical distinction between personnel acting under a mandate of the Security Council and others acting under other mandates. Thus, the issues raised in the present report apply, mutatis mutandis, to all categories of personnel associated with the work of the United Nations.

II. THE PRESENT SECURITY SYSTEM

4. The primary responsibility for the safety of United Nations personnel and their dependants rests with the host Government. This responsibility flows from every Government's normal and inherent function of maintaining order and protecting persons and property within its jurisdiction. Under Article 105, paragraph 1, of the Charter, the United Nations is entitled to enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfilment of its purposes. The Convention on the Privileges and Immunities of the United Nations, adopted by the General Assembly in its resolution 22 (I) A of 13 February 1946, contains detailed provisions on the privileges and immunities of the Organization, representatives of Member States, officials of the United Nations and experts on mission for the United Nations. The Convention on the Privileges and Immunities of the Specialized Agencies, approved by the General Assembly in its resolution 179 (II) of 21 November 1947, covers similar matters with regard to the specialized agencies.

5. The risk to United Nations personnel is particularly acute in times of civil disorder and domestic strife when the capacity of host Governments to provide protection may be greatly diminished. In order better to meet such crises, a set of rules and procedures was instituted in 1980 on an inter-agency basis and revised in 1991. For security reasons, the detailed procedures are kept confidential.

6. Under these arrangements, the responsibility for the coordination of all security matters rests with the Secretary-General, who has appointed a United Nations Security Coordinator to act on his behalf. At present, the Security Coordinator is the Under-Secretary-General for Administration and Management. Each organization of the United Nations system has appointed an official responsible for liaison with the Security Coordinator. In the field, a senior United Nations official is appointed in each country to serve as designated official for security. This person has overall and special responsibility for the security and protection of personnel of the organization. In that regard, he/she is directly accountable to the Secretary-General. In many countries, the resident representative of the United Nations Development Programme (UNDP) is given this responsibility. Where there are other, larger United Nations

offices, such as regional commissions or peace-keeping operations, the officer in charge of the office or operation is appointed designated official.

7. The designated official is advised by a security management team, and usually appoints area coordinators to deal with security matters away from the capital city. A field security officer may be assigned to assist the designated official. In addition, wardens are appointed at the local level to ensure implementation of security measures.

8. The primary management tool for security preparedness at any duty station is the country-specific security plan. Written in conformity with established procedures and subject to the approval of the Security Coordinator, it defines the responsibilities of each person at the duty station, the actions to be taken and the sequence to be followed. The plan is updated as necessary to reflect changing conditions and it may contain several options for various contingencies.

9. Under the current arrangements, the Organization's response to threats to its personnel's safety has been divided into five phases, as follows:

Phase One is precautionary; travel to the area requires prior clearance by the designated official;

In Phase Two all personnel and their dependants are restricted to their homes unless otherwise instructed. All movement is severely restricted and has to be specifically authorized by the designated official;

In Phase Three the following measures may be taken: concentration of personnel and their dependants at sites that are deemed safe; relocation to other parts of the country; relocation of dependants and non-essential personnel outside the country;

In Phase Four programmes are suspended and personnel not directly concerned with emergency or humanitarian relief operations or security matters are evacuated;

In Phase Five all personnel are evacuated except those required for Security Council-mandated activities related to the maintenance of international peace and security.

Phases One and Two may be declared by the designated official. The subsequent phases and measures will normally only be implemented after authorization has been obtained from the Secretary-General.

10. The above system applies, with some variation, to a broad range of individuals connected with the work of the Organization, including:

(a) All persons employed by the Organization and their recognized dependants, except for those persons who are both locally recruited and paid by the hour;

(b) Consultants, officials or experts, including transient personnel on mission for the organizations of the United Nations system;

(c) United Nations volunteers and their recognized dependants as well as United Nations fellows.

In addition to the above, the Organization may, to the extent possible, lend assistance on a reimbursable basis to other individuals. These may include persons attending a meeting sponsored by the Organization, those international personnel working cooperatively with the Organization as members of non-governmental or other voluntary organizations, with subcontracted projects, or with certain bilateral technical assistance groups with which the Organization has entered into a special agreement.

11. Security arrangements are intended to cover all personnel, except that locally recruited personnel and their dependants are not normally evacuated unless their security is endangered as a direct consequence of their employment by an organization of the United Nations.

12. It is apparent that the above system, which is oriented towards civilian personnel engaged in normal peacetime activity, cannot accommodate peace-keeping operations, which are often deployed in situations where other activities have to be suspended. Therefore, peace-keeping personnel remain under the exclusive jurisdiction of their chief of mission. However, there is considerable overlap and, as noted above, the chief of a peace-keeping mission may be appointed designated official. When this is not the case, peace-keeping operations maintain close coordination and cooperation with the designated official and will normally take all necessary action in the various phases listed above to the extent that it is compatible with their continued functioning. Naturally, all peace-keeping operations have contingency plans for the suspension of operations and evacuation, should this become unavoidable.

13. Much like other United Nations personnel, peace-keepers have generally been able to rely for their safety on respect for their international status and for their objective and impartial role. This has allowed unarmed military observers, to mention one example, to weather the war on the Golan Heights in October 1973 in shelter at their observation posts, as Israeli and Syrian forces were fighting pitched battles nearby.

14. Existing arrangements for the protection of United Nations forces and personnel assigned to serve in a peace-keeping operation are reflected in the model status-of-forces agreement annexed to the report of the Secretary-General (A/45/594). This model agreement embodies relevant principles of international law such as those provided for in the Convention on the Privileges and Immunities of the United Nations and the customary principles and practices applicable to United Nations peace-keeping operations.

15. Status-of-forces agreements provide for the necessary privileges and immunities, rights and facilities of United Nations operations and their civilian and military personnel. It is relevant to note that, under such agreements, the Government of a country hosting a peace-keeping operation undertakes to respect the exclusively international nature of that operation and to ensure the prosecution of persons subject to its criminal jurisdiction who are accused of acts in relation to the United Nations peace-keeping operation and its personnel, which, if committed in relation to the forces of the Government, would have rendered such acts liable to prosecution.

16. The security measures instituted by a United Nations peace-keeping operation depend greatly on the analysis of the possible risks and on the means available to the operation. In the case of some long-established operations, the direct danger to United Nations personnel is considered to be quite low. Accordingly, while contingency plans for emergencies are in place and are the object of regular exercises, security concerns play a lesser role in daily activities. For example, the mission may have only a minimum of vehicles with protective armour or none at all. In other cases, where frequent exchanges of fire take place in the area of operation and the situation can deteriorate very quickly, heavy emphasis is placed on protective shelters at all positions and on protective armour for road movement. In addition, vehicle movement is monitored by radio and, depending on the situation, movement may be limited to convoys, with armed escort if necessary. Such means of protection are not normally available to non-peace-keeping operations.

17. Peace-keeping forces are armed and authorized to use their weapons in self-defence. They have been compelled from time to time to exercise that right, and have inflicted casualties doing so. However, as their effective functioning is based on cooperation and consent, they have always shown the greatest restraint in order to avoid being drawn into a cycle of violence with any one party. Instead, they have sought to contain whatever disputes have arisen and to resolve them politically so as to preserve their role as a third party that is above the conflict.

III. NEW ISSUES

18. Developments that have taken place in the last year or so have highlighted certain gaps in the existing system as well as the need to strengthen it in certain areas. The main new development concerns the kind of conditions in which United Nations personnel are expected to operate and the level of risk considered acceptable. In fulfilment of the responsibilities entrusted to them by Member States, the personnel of the organizations of the United Nations system have increasingly been required to perform their functions in extremely hazardous conditions where decisions regarding their safety assume an immediacy not normally encountered in the past. This is particularly true in areas where government authority is not adequately exercised or is lacking altogether. Whereas in the past personnel were assured protection by virtue of their association with the work of the United Nations, this is no longer the case. On the contrary, personnel are more and more often at risk because of such association. In addition, actions by the United Nations in one part of the globe can generate threats to United Nations personnel in another.

19. As a result, casualties have mounted. In 1992, one staff member on average was killed every month; in 1993 the rate has so far been approximately one every two weeks. To date it has not been possible to identify and hold accountable those responsible for those deaths. The Organization has no statistics of casualties among the personnel of non-governmental organizations, but they, too, are reported to have increased. Military personnel suffered 51 fatal casualties in 1992 and 97 in the first half of 1993.

20. Another development, which has brought to light gaps in the existing security system, is the establishment of multidimensional operations involving

military operations, humanitarian assistance, electoral assistance, human rights monitoring and development projects. In order to achieve a coherent approach to the security of those operations, a number of practical issues regarding differing priorities between the various components have to be resolved in each case.

21. Frequently, it is the personnel providing humanitarian relief who are already operating in an area after there has been a breakdown of law and order even before United Nations forces are deployed, if they are deployed at all. Moreover, the urgency of humanitarian needs often necessitates the deployment of personnel for the implementation of relief programmes before agreement on a precise legal framework governing the operation can be obtained.

22. Situations of urgent humanitarian need often invite great insecurity for those who would provide assistance. Hijacking of goods and equipment, with its serious implications for the safety of humanitarian personnel, is far too frequent. The United Nations has sought to provide a degree of protection through the local hiring of private guards. However, this has not always been successful and has sometimes compounded the problem.

23. Another means of providing relative protection for United Nations activities is the deployment of United Nations guards with side-arms, as in Iraq. The guards contingent there provides valuable support services in escorting relief convoys and humanitarian personnel, and in guarding warehouses, offices and relief distribution centres. It also secures telecommunications facilities between the various duty stations. This notwithstanding, the deployment of United Nations guards has its own limitations.

24. The United Nations has come to rely to an unprecedented extent on personnel who are not staff of the Organization. This is true not only of the tens of thousands of soldiers who serve as members of national contingents placed under United Nations command by Member States, but also of an increasing number of civilian personnel serving with non-governmental organizations having special arrangements with the organizations or personnel of commercial enterprises under contract with the United Nations. They run the same or similar risks as the Organization's staff and therefore require protection, too. While, for example, the status of members of national contingents provided by Member States is covered by status-of-forces agreements, that of the civilian personnel provided by contractors and non-governmental organizations associated with a particular operation is not covered either by status-of-forces agreements or any other international instruments.

25. To facilitate access to victims of humanitarian emergencies, the United Nations normally enters into arrangements with non-governmental organizations as implementing partners, who provide resources (e.g. personnel, equipment, distribution networks) enhancing the effectiveness of relief programmes. The non-governmental organizations may be international in character, or may be locally based. These implementing partners are an integral part of the Organization's capacity to implement its programmes and require protection. In this connection, more precise arrangements will need to be put in place to govern relations with implementing partners and, in particular, their obligation with regard to security regulations. Similar arrangements will need to be made with commercial contractors.

26. Finally, a new feature is the use by the Security Council of its enforcement powers under Chapter VII of the Charter of the United Nations. This has led to the establishment of United Nations operations which are not based on consent and cooperation and may face outright opposition.

27. In view of these developments, a review was undertaken recently by expert consultants regarding the manner in which the overall security system of the United Nations is managed. This and other aspects of the question were studied further in connection with the preparation of the present report. The result of those deliberations is a set of measures which I propose to institute or which I recommend for consideration by Member States.

IV. PROPOSALS

28. Regarding the overall security of the personnel of the United Nations system of organizations, a fresh effort will be made to achieve the degree of integration and accountability necessary to ensure effectiveness. In particular, security matters will become an integral part of the planning for new operations. In this connection priority will be given to the improvement and standardization of communications and to the training of staff in security matters. Expert staff will be recruited to assist the Security Coordinator at United Nations Headquarters and the designated officials in the field. Arrangements will be made, through the situation room now being established by the Department of Peace-keeping Operations, to ensure that security staff can be reached at all times. Finally, the Security Coordinator will be reviewing regulations to ensure that measures already in place for the security of local staff are adequate, as well as to include categories of personnel who are not covered under the existing arrangements, although they work on behalf of the Organization and share the same risks as United Nations staff.

29. The measures outlined above will entail additional expenditures and it would be unrealistic to expect that these can be met from existing resources. They are, however, essential for the proper discharge of the Organization's responsibility for the safety of its personnel. I trust that Member States will provide me with the means to do what is necessary in this regard.

30. Further review will be necessary in order to develop more fully strategies for resolving some of these issues. One area of concern is the need for information about and analysis of possible risks, and for technical expertise, especially with regard to air safety, criminal investigation, forensics, ballistics and pathology. It is my intention to ask Member States for assistance in these fields as and when needed.

31. With regard to United Nations peace-keeping operations, some of the contributing Governments with the means to do so have made arrangements to support and, if necessary, to extricate their contingents, should their position be judged to have become untenable. Such concerns are certainly understandable, given the danger to which United Nations personnel are exposed in some cases. However, a United Nations operation must function in an integrated manner and any security precautions must cover all its personnel and not just one or two contingents. Moreover, any decision on a matter of such importance must rest with the United Nations, that is with the Secretary-General and the Security

Council. I shall be initiating a dialogue with Member States on this matter. The Security Council may also wish to consider it.

32. In the case of an enforcement operation under Chapter VII of the Charter, it is only prudent, in accordance with normal military practice, to provide for reserves so that the operation can be quickly reinforced if required. Such reserves need not necessarily be an integral part of the operation. For example, the Quick Reaction Force supporting the United Nations Operation in Somalia (UNOSOM II) is not. Other arrangements are conceivable. Again, I intend to pursue this matter in discussions with Member States. The Security Council may also wish to consider it in its deliberations.

33. From the legal point of view, both long-term and short-term strategies could be considered to enhance security and safety of personnel involved in United Nations peace-keeping and other operations.

34. In the long term, a new international instrument could be elaborated in order to codify and further develop international law relating to the security and safety of United Nations forces and personnel. The adoption of such a new instrument, as suggested by some delegations (S/25667), would make possible the consolidation in a single document of the set of principles and obligations contained in current multilateral and bilateral treaties, as well as provide an opportunity to codify and further develop customary international law as reflected in the recent practice of the United Nations and Member States. In drawing up such an agreement, consideration could be given to extending certain of the privileges and immunities accorded at present to the Organization and its personnel to civilian contractors, non-governmental organizations and their personnel who are engaged in United Nations operations through contractual or other arrangements. An international instrument of this kind could be negotiated in one of the Main Committees of the General Assembly and upon its adoption be open for signature by Member States. It should be noted, however, that the conclusion of such an instrument must be viewed as a long-term strategy, because its entry into force would take some time, and its effectiveness would depend on the number of States accepting to be bound by its provisions.

35. As issues relating to the security and safety of United Nations personnel require more immediate action, a short-term strategy should also be considered. First of all, it would be helpful if the Security Council, when deciding to set up a new operation, considered including in the relevant resolution the necessary conditions relating to security and safety under which such an operation is to be deployed. Such conditions should, depending on the nature of a particular operation, include, inter alia, the following:

(a) The application to the operation of the provisions of the Convention on the Privileges and Immunities of the United Nations;

(b) Confirmation that the Government of the country hosting the operation is obliged to take all necessary measures to ensure the security and safety of the United Nations operation and its personnel;

(c) A clarification to the effect that the security and safety arrangements undertaken by the host Government should be extended to

contractors, non-governmental organizations and their personnel who are engaged in United Nations operations;

(d) A timetable for the conclusion of an agreement on the status of the operation in the host country/countries;

(e) A statement reaffirming that attacks and use of force against United Nations personnel will be considered interference with the exercise of the responsibilities of the Security Council under the respective provisions of the Charter of the United Nations and may require the Council to consider measures it deems appropriate;

(f) A statement indicating that if the authorities of the host State fail to meet their obligations with regard to the safety and security of the United Nations operation and its personnel, the Council may consider measures to ensure such security and safety.

36. Another measure that could be taken in the short term, pending the conclusion of a new international instrument, would be the adoption by the General Assembly of a declaration aimed at drawing attention to the critical importance of the security and safety of United Nations forces and personnel, thereby increasing and strengthening international awareness and commitment.